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THE TREATY OF TORDESILLAS AND THE ARGENTINE-BRAZILIAN BOUNDARY SETTLEMENT

By the award of President Grover Cleveland, in 1895, was terminated the vexed Argentine-Brazilian boundary dispute, which had its origin in the treaty of Tordesillas more than four hundred years before. This was only one of several territorial controversies growing out of the ambiguous agreement between Spain and Portugal, but it was the most serious, and the last to be settled on the old southern frontier of the two rival powers in South America.

Jealousy of Spain as a result of the discoveries of Columbus was excited in the breast of John II. of Portugal even before the Admiral reached his home port after his first voyage; for unfavorable weather forced him to find shelter in a Portuguese harbor on his return trip, which led to an interview with King John, who thus learned of the result of Columbus's venture. The Portuguese king promptly claimed the newly-discovered lands, apparently basing his title upon a treaty made with Spain in 1479, which grew out of a grant of Pope Nicholas V. to Alfonso V. of Portugal, made in 1456.¹ This papal bull is especially interesting as it shows Prince Henry the Navigator's intention, thirty years before Dias rounded the Cape of Good Hope, to send expeditions as far as India. The bull gave to the Portuguese sovereign not only all territory which might be discovered south of the capes of Bojador and Nam "through Guinea", but also all lands beyond the southern coast of Africa "as far as the Indians".

¹ Frances G. Davenport (ed.), *European Treaties bearing on the History of the United States and its Dependencies, to 1648*, pp. 33-48.

² *Ibid.*, pp. 9-33.

As "the land of the Indians", or the "Indies", was an indefinite term which applied to the whole region extending from east Africa to China and Japan, John II. seems to have thought that Columbus had visited these lands, merely following a different route from that in which Portugal had so long been interested.

Shortly after Columbus had reported to his sovereigns the results of his voyage, Ferdinand and Isabella instructed their ambassadors at Rome to obtain from the Pope a grant of the new lands. Such a grant was secured May 3, 1493, by means of two bulls, which gave to Spain all the territories discovered by Columbus, or which he hoped to discover, "lying towards the western parts and the ocean sea" not already possessed by any other Christian prince.³ And on May 4, within a few hours after these two grants, the Pope issued an additional bull qualifying and explaining the preceding ones. This last document, couched in vague, contradictory half Latin, half Spanish terms, proclaimed the famous papal line of demarcation, which gave Spain all territory to the west of a meridian one hundred leagues to the west and south of the Azores and Cape Verde.⁴ The fact that the Cape and the Azores islands were many degrees apart appears to have been overlooked by the Pope and his advisers, or ignored by them. Contrary to the common view, this line was not proclaimed as a result of a protest from Portugal, for that nation would have in no wise been satisfied with such a division. Rather, the papal line appears to have been the result of specific instructions from the Catholic Sovereigns to their ambassadors at Rome to secure for Spain all lands to the west of Cape Verde and the Azores.⁵ Pope Alexander VI. was a Spaniard and a personal friend of Ferdinand and was inclined to favor Spain;⁶ but, in order to protect the territories granted

³ *Ibid.*, pp. 56-70.

⁴ *Ibid.*, pp. 71-79.

⁵ Henry Harrisse, *The Diplomatic History of America: its First Chapter*, pp. 31-35.

⁶ Davenport, *Treaties*, p. 56.

to Portugal by earlier bulls, he appears to have been induced by his scientific advisers to move the line desired by Spain one hundred leagues to the west.⁷

Portugal, since it claimed about a third of the world, including the lands discovered by Columbus, was much displeased by the arrangement secured by its rival, and was planning to make good its pretensions by resort to forcible measures when Spain suggested that a conference be held at which the conflicting claims could be discussed.⁸ Out of this suggestion grew the long-lived and troublesome treaty of Tordesillas, of 1494. This agreement made no mention of preceding papal grants or divisions, and simply stipulated that in the Atlantic there should be drawn from pole to pole a division line three hundred and seventy leagues to the west of the Cape Verde Islands, the lands to the west of which should belong to Spain, and those to the east, to Portugal. The treaty further provided that within ten months a joint expedition of the two countries should sail westward the stipulated distance from the Cape Verde Islands and, commencing either at the north or the south, mark the distance in degrees or leagues, according to which should prove most convenient; and where the line cut the land—if such cut should take place—a tower of demarcation should be erected.⁹

Ferdinand and Isabella instructed Columbus to be responsible for putting the demarcation provisions of the treaty into effect in behalf of Spain; and told him to head the Spanish expedition himself, if possible. But the demarcation never progressed beyond the theoretical stage, for in the year following, 1495, the two interested governments formally agreed to postpone sending out the joint expedition, in order to have its work preceded by a discussion of the fixing of the line by a conference of experts. But in the mean time, the Spanish government instructed, the demarcation line was to be put on all sailing charts. None of these things was done, however: the experts

⁷ HARRISSE, *Diplomatic History*, p. 39.

⁸ *Ibid.*, pp. 58-70.

⁹ DAVENPORT, *Treaties*, pp. 84-100.

never met; the expedition never sailed; and the division line was not even placed upon the maps.¹⁰ Not until 1512 do we find any mention of as much as an attempt to execute any of the stipulations of the treaty made seventeen years before.¹¹

Various influences contributed to this neglect, but perhaps the most important was the fact that before the flag of Portugal was unfurled upon the coast of South America—the only part of the New World that could possibly come to that kingdom by the terms of the treaty of Tordesillas—Vasco da Gama's expedition had reached the East Indies and Portuguese interest in that part of the world had been deeply roused. Furthermore, the terms of the treaty were confusing. Though the Cape Verde Archipelago is nearly three degrees wide, the arrangement made at Tordesillas failed to state whether the three hundred and seventy leagues should be marked from the easternmost, the westernmost, or the central island of the group. The famous cartographer, Ferrer, whom the Catholic Sovereigns consulted felt that the central island should be the point of departure, but it seems pretty certain that if the two nations had seriously discussed this point at the time, Portugal would have insisted upon starting from the island farthest west.¹²

But this question was perhaps not as fruitful of trouble as was the uncertainty as to the length of the degree on the equator, regarding which there was much difference of opinion among scientists; for the method of reckoning longitude was at the time very crude and faulty, and there was little agreement as to the distance around the earth. There was even lack of agreement regarding the length of the marine league.¹³

Such were some of the most important difficulties which would have confronted the rival nations had they set earnestly about fulfilling the terms of the treaty promptly after its formation. Harrisse is of the opinion, however, from a study of the situa-

¹⁰ Harrisse, *Diplomatic History*, pp. 80-83.

¹¹ Davenport, *Treaties*, p. 101.

¹² Harrisse, *Diplomatic History*, pp. 91-94.

¹³ *Ibid.*, pp. 93-94, 152.

tion of the line on Spanish and Portuguese maps that both nations believed the true position of the line to be near the Amazon River, but to the east of it.¹⁴ This would throw it slightly to the west of Rio de Janeiro in the south, and in the neighborhood of the Brazilian city of São Paulo.

Magellan's voyage, which gave Spain a western route to the Spice Islands and a hold upon the Philippines, stimulated new interest in the treaty of Tordesillas, through emphasizing the fact that the boundary line for which it provided should bisect the antipodes and encircle the globe. Discussion with this in view followed. Spain now argued that the point of departure in measuring the three hundred and seventy leagues should be the easternmost of the Cape Verde Islands; and Portugal, on its side, was torn between two ambitions; for it realized that the farther the line was extended west in the New World the smaller the area in the rich commercial field which it was exploiting in the orient could it call its own. Portugal could not decide between Brazil and the Moluccas, and, therefore, the treaty of Zaragoza which was finally drawn up between Spain and Portugal in 1529 provided only for demarcation in the orient. Here, the line of division between the two powers was placed two hundred and ninety-seven and a half leagues, or seventeen degrees, east of the Moluccas, which shut Spain out of the Philippines, as well; but by way of compensation Portugal agreed to pay Spain three hundred and fifty thousand ducats in gold.¹⁵ It is noteworthy, however, that if this division line fixed for the antipodes had been made to encircle the globe, it would have shut Portugal entirely out of the New World.

As it was, the failure of the rival colonial powers to reach an agreement regarding it caused the final delimitation in the west to be determined primarily by events in the New World. During the first half of the sixteenth century the Spaniards were especially active in South America, while the Portuguese devoted most of their energy to exploiting their extensive holdings in the orient; and several grants made to adventurers show that

¹⁴ *Ibid.*, p. 132.

¹⁵ Davenport, *Treaties*, pp. 169-199.

Spain considered itself entitled to approximately all territory lying to the west of the meridian passing just to the east of the right mouth of the Amazon. These cessions were made in the southern part of the Spanish-Portuguese frontier, for this region was more attractive than lands farther north, due to a more moderate climate, and took in virtually the whole of the present Brazilian territory lying in the south temperate zone. Broadly speaking, their northern limit would be marked by a line connecting Asunción and Cananea, where a Spanish fort once stood.¹⁶

However, only one of the grantees did much towards making good the Spanish claims, and this was Alvear Nuñez Cabeza de Vaca, who, in 1540-41, landed on the Brazilian coast at Santa Catharina and marched westward into the interior, to Asunción, recently founded by Iralá. The route of Cabeza de Vaca seems to have been occasionally employed for a few years subsequently by other Spaniards desiring to get into the interior. But after the founding of Santa Fé, in 1573, and especially after Buenos Aires and Corrientes had been established, in the 1580's, the Plata River became the doorway to the interior, and the dimly marked overland route fell into disuse.¹⁷

But during the years when the Plata and its tributaries were becoming the highway into the great basin of the continent, and for a long period following, Spain's policy, due to the Armada disaster, the trouble with Flanders, and the union with Portugal, was less aggressive in the New World than formerly. The Indians in the regions drained by the Paraná and Uruguay rivers were left to the ministrations of the Jesuits, who, while pacifying the aborigines, extended the possessions of the Spanish Crown. During the first three decades of the seventeenth century the members of the Society of Jesus made great progress, establishing a large number of missions.¹⁸

¹⁶ Carlos A. Aldao, *La Cuestión de Misiones*, pp. 40-52.

¹⁷ *Alegato de la República Argentina sobre la Cuestión de Límites con el Brasil en el Territorio de Misiones, sometida al Presidente de los Estados Unidos*, p. 50.

¹⁸ Aldao, *Misiones*, pp. 70-71.

But these hieratic communities did not long escape the attacks of the Paulistas, the bold, restless adventurers from the Brazilian state of São Paulo, who, with the contempt for aboriginal rights characterizing the frontiersmen of the North American west, defied alike royal orders and papal bulls and pressed deeper and ever deeper into the heart of the continent in search of mineral wealth and Indian slaves. The docile, pastoral Guaranies of the Jesuit reductions proved a great temptation, and many thousands of them were carried off by the Paulistas within a few years,¹⁹ causing the Jesuits to abandon Guayrá as a mission field in the 1630's, and to flee down the River Uruguay with their helpless charges. But towards the close of the century the Jesuits reestablished themselves to the east of the Uruguay and built seven mission stations; and here they remained, for the Paulistas were now somewhat diverted from their slave-hunting by the discovery of rich mines in the interior of Brazil.

Naturally, the Portuguese were desirous of securing a frontage upon the Plata River, and during the period of union with Spain, when the question of boundaries was not vital, the settlers of Southern Brazil made the most of their opportunity. In fact, the Paulistas justified their attacks upon the reductions by the statement that these were established upon Portuguese soil.²⁰ The treaty of 1668 by which Spain recognized Portuguese independence made no mention of territorial limits in America, thus leaving the way open for Portugal to make good its claim. Encouraged by the weakness of Spain and the friendliness of England, it proceeded to do so, in 1679, by establishing Colonia de Sacramento on the north shore of the Plata. The settlement was promptly captured by Spain, but was soon recovered, and in the next few decades it changed hands several times, but by the treaty made at Utrecht, in 1713, Colonia, "with its territory" was restored to Portugal. Subsequently, open war between the governors of Colonia and Buenos Aires took place because the latter, after the ratification of the treaty, returned

¹⁹ *Ibid.*, pp. 72-74.

²⁰ Robert Southey, *History of Brazil*, II. 578.

only the fortress and the land within cannon shot of it; and after an indecisive conflict Colonia was still in control of the Portuguese.²¹

With the accession of Ferdinand VI. to the Spanish throne, in 1746, relations between the two countries greatly improved, for Ferdinand's queen was Barbara of Braganza, daughter of John V. of Portugal, and Barbara did her utmost to establish a real friendship between Spain and Portugal. The "treaty of exchange", of 1750, was largely the result of her efforts, supported and encouraged by Keene, the English ambassador.²² This document recognized that Spain, through establishing itself in the Philippines, in the late sixteenth century, had violated the treaty of Zaragoza, while Portugal had exceeded the Tordesillas line in the western world; and admitted that it was impossible to maintain the Tordesillas agreement. Hence, all claims founded upon that treaty were definitely annulled, and it was agreed that each country should remain in possession of what it now held, except for certain reciprocal cessions. Portugal pledged itself to surrender Colonia and the territory which it claimed on the west bank of the Amazon, and to renounce its pretensions to the Philippine Islands and some other controversial claims in the orient; in return for which Spain agreed to recognize the remaining Portuguese possessions in the New World and to turn over to its neighbor the Seven Reductions established on the left bank of the Uruguay.

It is interesting to note that the territory in the New World which Portugal was to secure by this treaty was—thanks to Brazilian, and especially Paulista, aggressiveness—several times as extensive as that to which it would have been entitled under its own interpretation of the treaty of Tordesillas. Even the region held by Portugal in southern Brazil to the south and west of where the line would have cut was larger than the whole area which would have become Portugal's share through falling to the east of the line.

²¹ *Ibid.*, III. 286.

²² Rafael Altamira y Crevea, *Historia de España*, IV. 59.

The division line between the colonial possessions, the treaty stated, was to be demarcated by a special joint commission, and was, as far as possible, to be a natural one. The boundary was described in detail, the portion of the treaty bearing most closely upon this present study reading as follows:

From the mouth of the Ibicui, the line shall run up the course of the Uruguay until reaching the river Pepiri, or Pequiri, which empties itself by the western bank of the Uruguay; and it shall continue up the bed of the Pepiri as far as the principal source thereof; from which it shall follow along the highest ground to the principal head of the nearest river that may flow into the Rio Grande de Curituba, otherwise named Iguacú. The boundary shall continue along the bed of the said river nearest to the source of the Pepiri, and, afterwards, along that of the Iguacú, or Rio Grande de Curituba, until the point where the same Iguacú empties itself by the eastern bank of the Paraná, to the point where the Iguerey joins it on its western bank.²³

However, there was delay in putting the treaty into effect, and when the Spanish commissioner, the Marquis de Valdelirios, reached South America, in 1752, he found great local opposition to its execution. Though there was some objection in Colonia to the transfer, the opposition to handing over the Seven Reductions to Portugal was much stronger. Petitions from various Spanish lay and ecclesiastical officers opposing the change were presented to Valdelirios upon his arrival. Valdelirios, nevertheless, proceeded to cooperate with Gomes Freyre, governor of Rio Janeiro, the representative of Portugal, in carrying out the treaty terms; and when the Guaranies of the Reductions in question, abetted and supported by the Jesuits, took up arms in defense of their rights, Spanish military forces joined with those of Portugal and broke the resistance.²⁴ But this Guaranítica War, which ended in 1756, caused further delay; and after the resistance of the Indians was broken, the two com-

²³ *Statement submitted by the United States of Brazil to the President of the United States as Arbitrator under the Provisions of the Treaty concluded September 7, 1889, vol. III. (Documents), 3-23.*

²⁴ Tadeás Xavier Henis, *Diario histórico de la Rebelión y Guerra de los Pueblos Guaranies.*

missioners showed only a half-hearted interest in carrying out the exchange provisions and in demarcating the boundary.²⁵

In the mother countries, meanwhile, indifference, and even opposition, to the treaty had developed. Charles, King of Naples, brother of Ferdinand VI., learning of the treaty from the Spanish minister—the Marquis de Ensenada, who was unfriendly to it—protested vigorously to Ferdinand against the agreement; and this stimulated the feeling which was growing in Spain that Barbara had sacrificed Spanish interests to those of her native country. In 1758, Queen Barbara died, and within a twelve-month grief over her loss had carried off the king, who was succeeded by his brother Charles of Naples, the enemy of the treaty. In Portugal, a change of sentiment had appeared with the accession of Joseph, who succeeded his father, John V., within a few months after the treaty of exchange had been ratified; and this was accentuated by the demoralization and financial loss from the Lisbon earthquake of 1755, the persecution of the Jesuits, and the attempt to assassinate the king; but, perhaps, especially by the fact that the support of the Portuguese commission was causing an excessive drain on the royal treasury.²⁶

Accordingly, satisfaction was mutual when, in 1761, a new treaty was adopted for the express purpose of annulling that of 1750.²⁷

But before the annulment was effected considerable work had been done by the demarcation commissioners provided for by the treaty of 1750. The commission had been made up of three divisions, and the first, because of the armed resistance of the Guaranies, had accomplished nothing; but the other two proceeded with but little trouble and accomplished their tasks. It is with the labors of the second division, completed in 1759, that this study is especially concerned. This demarcation party chose for its point of departure into the little-known region to be surveyed San Xavier, the Spanish mission nearest to the frontier, and took along several Guaranies, one of whom, Francis

²⁵ Southey, *Brazil*, III. 502.

²⁶ *Ibid.*

²⁷ *Statement: Brazil*, III. (Documents), 77–80.

Xavier Arirapy, had seen the Pepiry—or Pepiri, or Pequiry—River, which, the treaty stipulated, should form part of the boundary. The joint party proceeded up the Uruguay until reaching a small tributary entering from the north which Arirapy identified as the Pepiry. At first the Spanish commissioner was unwilling to accept the statement of the guide, because the stream seemed too small and its location did not coincide with that given on the special map with which the commission had been supplied; but after the party had, at his request, proceeded farther up the Uruguay, he declared himself satisfied that the river identified by Arirapy was the stream named in the boundary treaty.²⁸ The latitude taken at the river was 27° 9' 23", but conditions were unfavorable for securing measurements of longitude.²⁹

Due to shortage of food supplies and other handicaps, the expedition did not explore the Pepiry to its source, but, instead, returned and proceeded up the Paraná to the Iguazú, and continued along the latter till reaching a southern tributary to which they gave the same San Antonio. After exploring this stream, they decided that its headwaters could not be far from those of the Pepiry, and, consequently, they surveyed it and placed the demarcation line along its borders, and connected this line with the headwaters of a river rising opposite, which they believed to be the Pepiry.³⁰

Since the treaty giving origin to it was annulled two years after the work of the commission was ended, the results of its

²⁸ *Ibid.*, I. 88–92. The Spanish commissioner had been doubtful because the latitude and position of the river identified by the guide did not agree with those given on the map issued by the courts of the two governments for the use of the expedition. But, upon proceeding farther up the Uruguay, he found that other statements made by Arirapy were borne out by his own observations. And, furthermore, he discovered that the map of the courts—which the commission had been instructed to ignore if it failed to agree with the facts—was in conflict with some of the maps made by the Jesuits who had some acquaintance with the region; and that these Jesuit maps supported the statements of the guide.—*Ibid.*, pp. 86–88.

²⁹ *Ibid.*, p. 94.

³⁰ *Ibid.*, pp. 101–109. The headwaters, as was proven by a later commission, were not those of the Pepiry but of a stream flowing into the Paraná.

labors were of no immediate significance; but both the treaty and the report of the commission were of the greatest importance in the final settlement of the boundary controversy between Brazil and Argentina a century and a half later; and, therefore, their results should be borne in mind.

In the conflicts between Spain and Portugal, which followed the accession of Charles III. bad feeling was reflected in the colonies by repeated attacks on Colonia. When the treaty of San Ildefonso was made between the two countries, in 1777, the place was in control of Spain, which was permitted by treaty to keep it. Portugal now definitely gave up its claim on the Philippine Islands also. By the treaty, the two countries again agreed to appoint a joint commission for the demarcation of their colonial boundary, which, in the middle portion, was to be the Pepiry-Guazú,³¹ or Pequiry, and the San Antonio, as provided by the annulled treaty of 1750.³²

The commission provided for was sent out belatedly in 1788. And though thirty years had elapsed since the first joint survey had been made, the frontier in question was still a wilderness and the rivers mentioned in the treaty were declared by the joint instructions of the Spanish and Portuguese courts to be distant from all settlements that could give aid to the commissioners.³³ After some difficulty, the party found and marked with a copper plate the river identified by the commission of 1759 as the Pepiry, and also found and identified the San Antonio.³⁴ But, in 1790, after this had been accomplished, Varela, the Spanish commissioner, made the assertion that the preceding commission had made a mistake in the stream that it had identified as the Pepiry, and declared that the true Pepiry was a more copious river found two years before, in 1788, by Gundin, the Spanish geographer, sixteen leagues to the east of the Pepiry

³¹ *Guaçú*, or *Guazú*, is a Guarany word meaning great, or large, and was applied to the Pepiry shortly after the first commission had completed its work, evidently to distinguish that river from some smaller stream of the same name.

³² *Statement: Brazil*, III. (Documents), 89-90.

³³ *Ibid.*, p. 109.

³⁴ *Ibid.*, I. 210-212; Diego de Alvear, "Diario de la Segunda Partida de Limites en la America Meridional," in *Anales de la Biblioteca*, III. 402-459.

of the commission of 1759. Hot discussion followed between the chief commissioners, but a joint survey of the stream discovered by Gundin was finally made.³⁵ Subsequently, Varela instructed Oyárvide, another Spanish geographer, to look for another river whose headwaters could be connected with those of the stream of Gundin, explaining that the existence of such a river might induce the two governments to choose it for a boundary instead of the San Antonio.³⁶ Oyárvide followed instructions and, in June, 1791, found the stream desired and called it the San Antonio-Guazú.³⁷ The Portuguese commissioner, and his government, however, refused to accept such a decision, and the boundary was again left unsettled.

Spain was soon afterwards deeply embarrassed by the wars following the French Revolution, and Portugal joyfully seized the opportunity to score against its old rival in South America. The mission Indians had, following the Guaranítica War and the expulsion of the Jesuits, been ruled directly by a Spanish royal governor who oppressed them sorely. Hence, when the Portuguese governor of Rio Grande took up arms against the region in 1801 he found the aborigines quite ready to desert to the old enemy, and soon they were under Brazilian jurisdiction.³⁸ The treaty of Badajoz—made the same year—which established peace between Spain and Portugal in the Old World and the New was based upon the principle of mutual restoration and compensation, but as no special mention was made

³⁵ *Statement: Brazil*, I. 210-211. Alvear, the Spanish commissioner, called attention to the fact that the Pepiry was located on the map of the courts above the mouth of the Uruguay-Pitá River; and stated in a letter to Roscio, his Portuguese associate, that this Pepiry had been found "with the features that characterize it, of being full-flowing, and having a wooded island opposite its mouth, and a large reef within its mouth". Thus he applied to the Pepiry of the treaty of 1750 the characteristics of the river discovered in 1788, and insinuated that in 1759 the Pepiry was known by these features. From this foundation grew definite assertions by Spain at a later date that the instructions to the commissioners of 1759 contained such a description of the river; and these assertions were also used by Argentina in the arguments by which it supported its claim to a boundary line following the river discovered by Gundin.—*Ibid.*, pp. 64-67.

³⁶ Alvear, "Diario," in *Anales*, III. 436-457.

³⁷ *Ibid.*, 459.

³⁸ Southey, *Brazil*, III. 687-688.

of the Seven Reductions, Portugal failed to give them up; and all subsequent efforts of Spain to make it do so were in vain.³⁹

When, in 1808, the Braganza family fled to Brazil before the armies of Napoleon, special advantages for encroachment were offered Portugal; for soon revolt against Joseph Bonaparte and in favor of independence took place in Argentina, and Brazilian troops were sent into the Misiones district under pretext of keeping order. Continued dissensions at Buenos Aires enabled Brazil to seize the whole region to the east of the Uruguay River and incorporate it as the Provincia Cisplatina; but war between Brazil and Argentina took place over the region, as a result of which, in 1828, that long debatable ground was made the independent republic of Uruguay with a frontage on the Plata; and thus a long stretch of the frontier between Brazil and Argentina was removed as a bone of contention between the two countries.⁴⁰ Likewise, during the struggle for independence in Spanish America Paraguay freed itself from jurisdiction of Buenos Aires;⁴¹ Thus, early in the nineteenth century the boundary dispute between Brazil and Argentina was reduced to the narrow strip of the old frontier lying between the Uruguay and the Iguazú rivers; and in this region, Brazil, blessed with comparative peace and order under the Empire, proceeded to establish itself, while Argentina was distracted by civil wars and the tyranny of Rosas's rule. It seems impossible from available evidence to determine when the first permanent Brazilian settlers went into the territory in dispute, but a few isolated ones were already there in 1838, when the colony of Campo de Palmas was founded by the Brazilian state of São Paulo; and other colonies soon followed.⁴²

In 1857, after Rosas had been overthrown with the aid of Brazil and Urquiza was at the head of the Argentine government, a treaty was drawn up between the two countries which

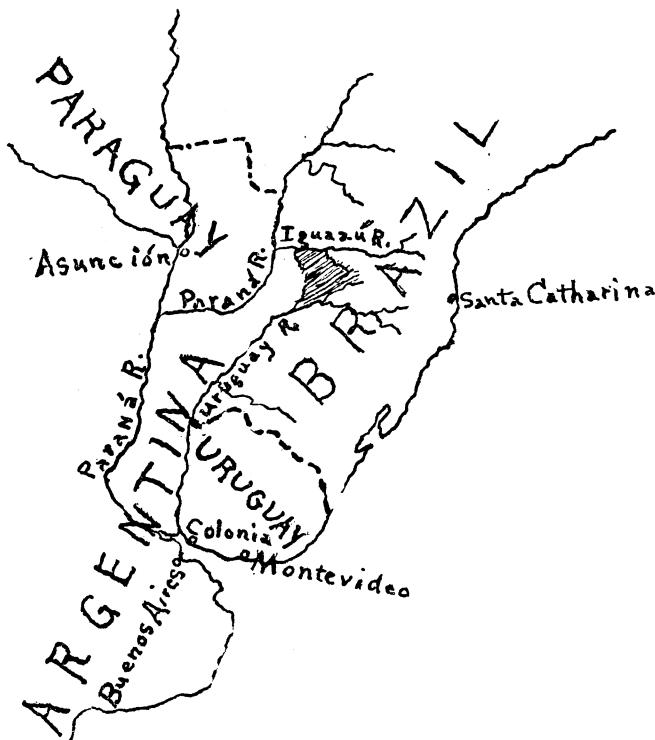
³⁹ *Statement: Brazil*, I. 7-11; *La Frontera Argentino-Brasileña*, II. 98-102.

⁴⁰ By treaties made between Brazil and Uruguay in 1851 and 1852 a common boundary line was agreed upon. João Ribeiro, *Historia do Brasil*, pp. 457-458.

⁴¹ Paraguay's boundary disputes with Argentina and Brazil were settled after the Paraguayan War.

⁴² *Alegato: Argentina*, pp. 275-276; *Statement: Brazil*, I. 253.

fixed the boundary between them as the rivers Pepiry and San Antonio identified and named by the commission of 1759. However, before the agreement could be submitted to the Argentine congress⁴³ the personnel of that body was changed, with the result that congressional approval carried with it the stipulation that the rivers called Pepiry and San Antonio by the com-



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mission of 1789 be accepted as the boundary line. But to this Brazil would not consent, and the agreement was never adopted.⁴⁴

⁴³ It was understood by the Argentine government that if Argentina ratified the treaty Brazil would give Urquiza moral and material aid towards bringing about the incorporation of the refractory province of Buenos Aires with the Republic.—*Statement: Brazil*, III. (Documents), 174.

⁴⁴ *Alegato: Argentina*, pp. 82, 176.

Soon after this futile attempt Brazil began building a road across the disputed territory—which at the time formed the judicial district of Palmas in the state of Paraná—to Corrientes, and displayed other signs of proprietorship; whereupon Argentina, now stronger and more certain of itself, protested and prepared for war.⁴⁵ But the insane insolence of the Paraguayan dictator, Lopez, temporarily removed all danger of hostilities over the old boundary dispute, and, instead, brought Brazil and Argentine into a military alliance with Uruguay against Paraguay. Nevertheless, as soon as the Paraguayan War had terminated, bad feeling over the so-called “Misiones boundary question” became more acute than before; and in 1876 discussion with a view to settlement was again begun, but, as no basis of agreement could be reached, the matter was once more dropped.⁴⁶

In conformity with a plan which seems to have been projected as early as 1859, Brazil, in 1880, took steps towards the establishment of two military colonies—ostensibly for protecting the frontier against Indians—to the west of the rivers Chapeco and Chopim—streams which the Argentine government had come to identify with the Pepiry and the San Antonio of the commission of 1789. A strip of land ten leagues wide, the imperial decree stated, was to be set aside on the east banks of the San Antonio and the Pepiry—of the commission of 1759—for cultivation by military colonists.⁴⁷ The following year the colonizing expedition was sent out;⁴⁸ but the Argentine government, learning of the plan through the press, protested against it on the ground that the territory of Argentina extended as far east as the Chapeco and the Chopim rivers.⁴⁹ Presumably because of the resentment displayed by Argentina, the Brazilian government—now timid because of the internal troubles which soon led to the overthrow of the Empire—ordered the military colonies to withdraw from the frontier and to settle to the east of the disputed territory; and this relieved the mind of Argentina for a brief

⁴⁵ *Ibid.*, p. 280.

⁴⁶ *Statement: Brazil*, I. 247–251.

⁴⁷ *Ibid.*, p. 251.

⁴⁸ *Argument for the Argentine Republic*, I. 617.

⁴⁹ *Statement: Brazil*, I. 251.

period. Soon afterwards, however—probably goaded into a more aggressive policy by the attacks of the parliamentary opposition led by Baron de Cotegipe—the imperial government gave orders for the soldiers to advance into the very heart of the area in dispute; and the military settlements of Santa Ana and Campo Eré were, accordingly, founded.⁵⁰

Argentina had long claimed the disputed territory as part of the Misiones district, which for many years was administered by the state of Corrientes; but, in 1881, urged by Brazilian activity in the region, the Argentine government created the Misiones into a separate territory, thus bringing it directly under federal control.⁵¹ This action in turn roused the Brazilian government to propose that negotiations be opened for the definite settlement of the boundary disagreement. Argentina expressed its willingness, whereupon Brazil suggested that the unratified convention of 1857 be used as a basis, and that in the agreement a definition of the rivers Pepiry and San Antonio as the streams demarcated by the Spanish-Portuguese joint commission of 1759 be inserted. But Argentina refused, as before, and held out for the acceptance of the line along the rivers demarcated farther east by the commission of 1789.⁵² Brazil would not agree to this, but proposed that a new joint commission be appointed to survey the four rivers bounding the disputed area. Argentina consented, a treaty with this in view was made in 1885, and between the years 1887 and 1890 such a survey was made.⁵³

The group of men sent out jointly by Brazil and Argentina made the first comprehensive survey of the long-disputed region, and revealed the fact that the river explored by the Spaniard Oyárvide in 1791 and called by him the San Antonio was not, as the Argentines had hitherto supposed, the stream known to the Brazilians as the Chopim, but one farther east and called in Brazil the Jangada.⁵⁴

⁵⁰ *Alegato: Argentina*, pp. 95–96.

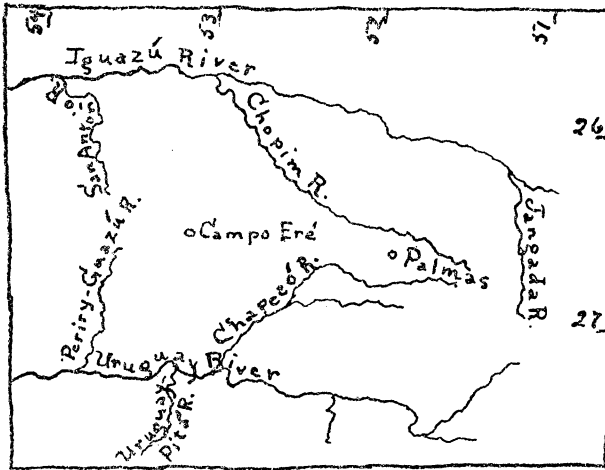
⁵¹ *Statement: Brazil*, I. 265.

⁵² *Ibid.*, pp. 266–267.

⁵³ *Ibid.*, III. (Documents), 181–189.

⁵⁴ *La Frontera Argentino-Brasileña*, I. 412–518; *Statement: Brazil*, I. 271–273.

Some time before the work of the commission was completed, however, the Argentine government suggested that the disputed territory be divided by a geometrical mean line, the expense of surveying to be shared equally. But Brazil refused to consider such a settlement and urged arbitration instead, should direct agreement prove impossible. And though Argentina was at first little inclined to risk its claims to a third party, a treaty was signed at Buenos Aires, September 7, 1889, which provided that should the ownership of the territory in dispute not be settled within ninety days following the report of surveys of the joint



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boundary commission to their governments, the question should be submitted to arbitration. Ratification of the agreement took place promptly.⁵⁵ But a few days following this the Brazilian Empire fell and the republic was proclaimed.

This revolution changed the face of the situation, for the dominant party in Argentina had shown much friendship for the anti-imperialists, and the Argentine government was the first to recognize and welcome the new republic.⁵⁶ The weak provisional government of Brazil, fearing to jeopardize its position

⁵⁵ *Statement: Brazil*, I. 274.

⁵⁶ *Alegato: Argentina*, pp. 199-200.

and add to the chaos at home by incurring the enmity of Argentina through a firm stand on the boundary dispute, decided to settle the dispute "to the best interests of the nation", and on January 25, 1890, a treaty was made at Montevideo, providing for the division of the contested territory by a mean line.⁵⁷ The partition agreement seems to have met with general favor in Argentina, but in Brazil a large element denounced and bewailed it; and one of the leaders of the opposition grimly declared that finally the territory of Palmas had "undergone the great test of the judgment of Solomon". A special committee of the Brazilian government appointed to study the treaty of Montevideo reported in favor of rejection of the agreement, and its recommendation was indorsed by the Brazilian congress, August 10, 1891, by a vote of one hundred and forty-two ayes to five nays.⁵⁸

This action threw the two governments back upon the treaty of arbitration, which had specifically mentioned the president of the United States as arbitrator. President Grover Cleveland accepted the task, and, as provided by the treaty, within the following year the two contestants filed at Washington the evidence in support of their respective claims. In the Argentine argument stress was laid upon the fact that the territory in dispute was far to the west of the Tordesillas line, and that it was first traversed and formally claimed by Spaniards; it declared that the commissioners of 1759, on whose work Brazil largely based its claim, had disobeyed instructions and selected as its boundary a river which did not correspond with the evidence provided in their instructions;⁵⁹ that the commission of 1789 had corrected the error through finding the real Pepiry River; and that the territory had been first settled by Spain and had been occupied by Spain and then by its heir, Argentina, continuously down to the present.⁶⁰ Brazil, on its part, contended that the line described by the treaty of Tordesillas had never

⁵⁷ *Statement: Brazil*, III. (Documents), 201-203.

⁵⁸ *Ibid.*, I. 274-276; III. 211.

⁵⁹ Argentina weakened its case through making use of incorrect statements made by Spain a century earlier. *See above*, note 35.

⁶⁰ *Alegato: Argentina*.

been demarcated; that the demarcation of 1759-60 had been made in conformity with the annulled treaty of 1750, which was the basis of the treaty of 1777, and with the instructions drawn up for its execution, as well as with the local tradition and the maps published by the Jesuits who had lived near the region in dispute; that the rivers claimed as the boundary by Argentina as a result of the report of the Spanish members of the commission of 1789 were too far east to correspond with the evidence supplied by the documents used as basis for the Treaty of 1750; and it showed conclusively that Spain had not only never occupied the territory actually in dispute, but that Argentina had not done so and—as the map made by the recent Brazilian-Argentine commission showed—it did not even occupy the territory now; while, as the survey of the same commission made clear, of the 5,793 inhabitants of the region, 5,763 were Brazilians—the remaining thirty being aliens, not Argentines.⁶¹

The arbitration treaty had stipulated that the arbitrator should be asked simply to study the evidence which should be submitted and from it render an award in favor of the one country or the other—in favor of the Pepiry and San Antonio line of the commission of 1759 or the Jangada (San Antonio-Guazú) and Chapecó (Pepiry-Guazu) claimed by Argentine on the basis of the statements of the Spanish commissioners of 1789. Cleveland's award, rendered February 5, 1895, was in favor of the contentions of Brazil, and named the westernmost two rivers as the boundary between the republics.⁶² This decision gave the victor an extensive fertile area covering nearly twelve hundred square miles.⁶³ By the arbitration treaty the two governments had also agreed that whatever award was given should be regarded as definitive and obligatory, and nothing was to be alleged as a reason for its non-fulfillment; and, though there were hostile sputterings from part of the press of the country, the Argentine government loyally accepted the adverse decision. In reply

⁶¹ *Statement: Brazil.*

⁶² *The Misiones Award* (Special Bulletin Bureau of American Republics), pp. 3-4.

⁶³ *Statement: Brazil*, I. 3.

to a communication from the president of Brazil, President Uriburú of Argentina sent the following telegram:

Both peoples have the honor of showing to the world a practical application of the principle of international arbitration, and the Argentine nation, although not favored in the decision of the high judge to whom the solution of the ancient controversy was entrusted, congratulates itself on the disappearance of the only possible cause of dissension with its former ally, with which its constant desire is to bind closer its relations with the ties of friendship and common interest.⁶⁴

A few years subsequently a joint commission of the two governments surveyed the boundary line and marked it plainly with permanent monuments of masonry. No hint of discord appears to have risen between the commissioners in connection with their labors; and in 1904 their work was completed and approved by the governments concerned.⁶⁵ Thus was eliminated the last chance for a hitch over the boundary settlement between the two neighboring nations.

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⁶⁴ *Misiones Award*, p. 16.

⁶⁵ *La Frontera Argentino-Brasileña*, *passim*.